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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,238	12/11/2001	Robertus Antonius Johannes Van Kollenburg	NL 000727	3098

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,238

Applicant(s)

VAN KOLLENBURG, ROBERTUS
ANTONIUS JOHAN

Examiner

Jorge L Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because of the following:

- a. Figs. 10 and 11 should be provided with descriptive text labels.
- b. In Fig. 9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: a pattern with the reference "P".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Specification

2. The disclosure is objected to because of the following informalities:

- a. In page 9, line 12, the number of the figure recites as "**Fig.**" is missing and should be "**Fig. 9**".
- b. In page 12, line 33, "**Fig. 10**", should be "**Fig. 11**".
- c. In page 13, line 32, "**step 57**", should be "**step S7**".

Appropriate correction is required.

Claim Objections

3. Claim 1 objected to because of the following informalities: In claim 1, line 2 "**auxiliarily**" should be "**auxiliary**". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1-8 are
5. Claims ~~1-8 and 1-8~~ rejected under 35 U.S.C. 102(b) as being anticipated by Roth et al. U.S. Patent No. 5,418,764.

Regarding claim 1, Roth et al. discloses a record carrier of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is recorded by means of a preformed track modulation (See Abstract; Figs. 1-7),

which codes comprise a sequence of address codes (AC) specifying the addresses of the track portions in which said address codes (AC) are recorded (See Abstract; col. 4, line 65 to col. 5, line 31; Figs. 6,7) and

special codes (SC/HC) which can be distinguished from said address codes (AC) specifying control data for controlling a recording by a recording device (See Abstract; col. 4, line 65 to col. 5, line 31; Figs. 6,7) and

which sequence can be obtained by replacing in a sequence of address codes (AC) with consecutive address values a plurality of said address by special codes (SC) (See Figs. 7; Abstract; col. 4, line 65 to col. 5, line 31; col. 6, line 1 to col. 7, line 56),

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characterized in that, the said sequence comprises a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address (See Figs. 6, 7; col. 4, line 65 to col. 5, line 31; col. 6, line 1 to col. 7, line 56)

Regarding claim 2, Roth et al. discloses provided with a lead-in area located at an inner area of the disc comprising said special codes, characterized in that, the predetermined reference address is the start address or end address of the lead-in area (See col. 6, line 1 to col. 7, line 56; i.e. special code for "AVI"/lead-in area; Fig. 6,7)

Regarding claim 3, Roth et al. discloses the periodic pattern comprising special codes separated by a first number of successive address codes (See col. 6, line 1 to col. 7, line 56; Figs. 6,7), characterized in that, the periodic pattern is shifted a predetermined number of address codes with respect to the predetermined reference address (See col. 7, lines 7-62; "other additional information could be added and recorded to the lead-in track by alternative combinations of special codes"/"auxiliary codes", inherently the pattern is need to be shifted to add the other information)

Regarding claim 4, Roth et al. discloses the periodic pattern comprising a first number of distinct special codes separated by a first number of successive address codes, characterized in that, the first number of distinct special codes have a predetermined order (See col. 6, line 1 to col. 7, line 56; Figs. 6,7)

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Regarding claim 5, Roth et al. discloses provided with a lead-out area located at an outer area of the disc, characterized, in that the lead-out area comprises additional control information for controlling recording by a recording device, the presence thereof being indicated by the predetermined positional relationship (See Figs. 4,5,6; col. 5, lines 41-67; col. 6, line 1-63)

Regarding claim 6, Roth et al. discloses a device for recording and/or playback a record carrier of the inscribable type (See Fig. 8,9; col. 7, line 63 to col. 10, line 20), the device comprising

reading means for reading the information recorded on the record carrier and recording means for recording the record carrier in accordance with an recording process, the reading means comprising means to read the auxiliary signal recorded on a record carrier, selecting means for selectively selecting extracting the special codes and the address codes from the auxiliary signal (See Fig. 8-ref#82,86,88-97, col. 7, line 63 to col. 10, line 15),

control means for controlling the recording process, characterized in that, the control means are adapted to determine the predetermined positional relationship of the periodic pattern of address codes and special codes and to control the recording process in accordance with said determination (See Figs. 9,8-ref# 94, col. 7, line 63 to col. 10, line 20)

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Regarding claim 7, Roth et al. discloses characterized in that, the control means are adapted to read a special area on the record carrier upon detecting a predetermined positional relationship (See col. 10, lines 16-31; Fig. 9)

Regarding claim 8, Roth et al. discloses adapted to cooperate with a record carrier provided with a lead-in zone at an inner part of the record carrier and a lead-out zone at an outer part of the record carrier (See col. 10, lines 16-31; Fig. 9),

characterized in that, the control means are adapted to initially read the special information in the lead-in zone and (See col. 10, lines 32-45; Fig. 9), only upon detection of a predetermined positional relationship, subsequently read the lead-out zone (See col. 11, lines 8-19, the lead-out area is reached upon detection of "AVO special code")

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. U.S. Patent No. 6,411,574 to Su et al., which discloses a record carrier of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is recorded by means of a preformed track modulation, which codes comprise a sequence of address codes specifying the addresses of the track portions in which said address codes are recorded and special codes which can be distinguished from said address codes specifying control data for controlling a recording by a recording device and which sequence can be obtained by replacing in a sequence of address codes with consecutive address values a plurality of said address by special codes,

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characterized in that, the said sequence comprises a periodic pattern of address codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address.

b. U.S. Patent No. 5,835,462 to Mimmagh, which discloses which discloses a record carrier of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is recorded by means of a preformed track modulation, which codes comprise a sequence of address codes specifying the addresses of the track portions in which said address codes are recorded and special codes which can be distinguished from said address codes specifying control data for controlling a recording by a recording device.

c. U.S. Patent No. 6,519,217 to Kawashima et al, which discloses a record carrier of the disc-like optically inscribable type, having a preformed track in which an auxiliary signal comprising a sequence of codes is recorded by means of a preformed track modulation, which codes comprise a sequence of address codes specifying the addresses of the track portions in which said address codes are recorded and special codes which can be distinguished from said address codes specifying control data for controlling a recording by a recording device and which sequence can be obtained by replacing in a sequence of address codes with consecutive address values a plurality of said address by special codes, characterized in that, the said sequence comprises a periodic pattern of address

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codes and special codes which pattern has a predetermined positional relationship with respect to a predetermined reference address.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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W. R. YOUNG
PRIMARY EXAMINER